

Application No.: 10/578,528
Art Unit: 1791

Amendment under 37 CFR §1.116
Attorney Docket No.: 062492

REMARKS

Claims 12-20, 22 and 23 are pending in the present application. Claim 23 is herein amended. No new matter is believed to have been entered through the claim amendment. Further, upon belief, it is respectfully submitted that this paper is fully responsive to the outstanding Office Action.

Claim Rejection - 35 U.S.C. §112

Claim 23 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection is respectfully traversed.

Claim 23 is herein amended to recite, "the method according to claim 13, wherein an outer layer molding step of compression-molding the molding material for the outer layer supplied in the outer layer supply step ~~prior to the core supply step~~ is performed prior to the core supply step." It is submitted that claim 23 now even more fully satisfies the statutory requirements of 35 U.S.C. 112, second paragraph. Further, it is submitted that claim 23 is now

even more clear as amended claim 23 depends from independent claim 13 which recites "prior to the core supply step."

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

Claim Rejection - 35 U.S.C. §103

Claims 12-20, 22 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (WO 01/98067) in view of Yamashita et al. (US 5,100,604).

The rejection is respectfully traversed.

It is respectfully submitted that the cited art fails to teach or suggest, either alone or in combination, at least the recitation of claim 12 of, "an outer layer supply step of supplying molding material for the outer layer into a space defined above and around the core molding in the die molded in the preceding step until a tip of the lower center punch finally takes a position protruding from a tip of the lower outer punch by lowering the lower outer punch."

In the outstanding Office Action at page 6, the Office Action concedes, "however, the prior art fails to teach the step of lowering the tip of the lower outer punch in compare to the tip of the lower center punch for supplying the outer layer molding material, as claimed in claim

12.” However, on the same page through page 7, the Office Action contends, “In the analogous art, Yamashita et al. (US ‘604) teach ... wherein the step of supplying the molding material (6) into the compression molding system is implemented when a tip of the lower center punch (4) takes a position of protruding from a tip of the lower outer punch (3) **by lowering the lower outer punch (3)** in compare to the lower center punch (4). See figures 1a-1d.” The Office Action’s contention is respectfully traversed.

In contrast to the above bolded portion of the Office Action’s contention, US 5,100,604 (hereinafter “US ‘604”) does not describe the lower punch (3) (correlated with the lower outer punch of claim 12 of the present application) as being lowered; but instead, only that “the upper punch 5 descends for compression as shown in FIG. 1c” For the Examiner’s reference, the relevant portion of ‘604 is herein reproduced below:

“When the cavity is filled with the granules, the hopper 1 is removed and the upper punch 5 descends for compression as shown in FIG. 1c. After completion of the compression, the die 2 moves downward to obtain the green compact.” (‘604; column 10, lines 32-36).

Accordingly, in view of the above, it appears as if the Office Action has misinterpreted the illustrations of at least FIGS. 1a-1d in view of the clear description provided in the Specification of ‘604 which describes only the die 2 and upper punch 5 as moving downward.

Furthermore, it is respectfully submitted that the cited art fails to teach or suggest, either alone or in combination, at least the recitation of claim 12 of the present application of, “a whole molding step of compression-molding the core molding and the molding material for the outer layer with the tips of the lower outer punch and the lower center punch aligned with each other.”

It is submitted that ‘604 does not relate to the present application, since in order to manufacture a circular molding article, US ‘604 discloses that a molding material is supplied to a space formed by lowering a lower outer punch and then the molding material is compressed and molded just like that. Hence, in the manufacturing process which US ‘604 teaches, the packing density of the molding material is not made high and the tips of the lower center punch are not aligned with the lower outer punch. Accordingly, it is submitted that the claim rejection is overcome based on 35 USC §103 because of the deficiency of the combination of US ‘604 and WO 01/98067 (herein after “WO ‘067”), as US ‘604 does not disclose or suggest certain concepts and features, as indicated above for example.

Furthermore, an explanation is further provided regarding why the present application is not obvious in view of the cited art. The present application is an improvement invention of the invention illustrated in Fig. 1 of WO ‘067 (hereinafter “former invention”). The difference between the present invention of claim 12 and the former invention is illustrated as process J and K in Fig. 1 of the present application.

In a process illustrated in Fig. 1 of WO '067, it is not easy to be aware that a problem concerning a molding nature of a finished molding is caused by the density of the side surface. When a tablet with a core is manufactured by a method illustrated in Fig. 1 of WO '067, sometimes a molding with the problem of a molding nature is made. However, it is very difficult to recognize what is a cause of this problem. Upon considering the cause of the problem in the method illustrated in Fig. 1 of WO '067, a means for solving the problem must be reviewed. Therefore, it is submitted that Applicants are convinced that the present application is not obvious in view of the cited art.

Further, each of the processes illustrated in Figs. 3 and 4 of WO '067 is a method for manufacturing a molding with a core having fully different processes from the present application. Accordingly, the processes illustrated in Figs. 3 and 4 of WO '067 do not provide a motivation to make the claims of the present application, even if the description of the processes of the present application has similar terms and expressions.

Additionally, it is submitted that claims 13-20, 22 and 23 which each depend either directly or indirectly from independent claim 12, are patentable for at least the reason of their respective dependencies. Further, the arguments presented above over the cited art with regard to independent claim 12 are applicable here toward the dependent claims where appropriate. Separate and individual consideration of the dependent claims is respectfully requested.

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In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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